

**Town of Amherst**  
**Zoning Board of Appeals**  
***SPECIAL PERMIT***

 **COPY**

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2015-00038, to operate a Class II restaurant with accessory live and prerecorded music, under Section 3.352.1 and 5.042 of the Zoning Bylaw, pursuant to the expiration of ZBA FY2014-00033, at 63-67 North Pleasant Street (Map 14A, Parcel 322, B-G Zoning District), subject to the following conditions:

**Review**

1. The use of the rear covered deck is subject to review, at a public meeting, no later than July 2, 2016. The purpose of the review shall be for the Board to review the increased occupancy, consumption of alcohol, and/or recorded music on the rear deck, and to determine whether any related aspect of use of the deck should be eliminated or reduced, or whether the use should continue with or without additional periodic public meeting reviews.
  - a. In advance of the meeting, the owner shall be responsible for providing notification to abutters in accordance with Town procedures for notice under Chapter 40A, Section 11. This may require the owner to obtain a Certified List of Abutters and provide a minimum of two-week public notice.

**Ownership**

2. Upon a change of ownership of the business, the new owner shall present an updated Management Plan for review and approval by the Zoning Board of Appeals at a public meeting. The purpose of the public meeting shall be to review compliance with conditions of the permit are met and to determine whether any changes are significant enough to require modification of the permit.

**Use**

3. The use shall be operated in accordance with the Management Plan Best Practices Site Management, except for the changes related to the service and consumption of alcohol, as approved by the Zoning Board of Appeals on May 28, 2015. This shall include, but is not limited to, the following outlined procedures for:
  - a. Entry and exit
  - b. Patron queue management
  - c. Use of covered deck
  - d. Occupancy management and crowd control
  - e. Music
  - f. Alcohol on the rear deck. During any nightclub use, patrons may take alcohol from inside out to the deck and consume it, but no employee shall serve, take drink orders, or bring beverages to patrons outside, nor may a bar be set up on the deck during club night. For scheduled private events other than club nights, alcohol service, including from a bar set up on the deck, may be offered.

4. Patrons waiting to enter or exiting the establishment may do so from either the North Pleasant Street or Boltwood Walk side. All patrons waiting to enter from the Boltwood Walk side must be arranged and organized into a line towards the north only. A shift manager shall actively exercise control over noise created by patrons on the premises or waiting in the queue, and a shift manager shall disperse patrons after the close of the establishment.
5. The interior of the establishment shall be used and maintained in accordance with the floor plan, prepared by Kuhn Riddle AIA, dated March 4, 2014:
  - a. The tables and chairs in the "banquet room" and "deck" may be removed for events as described in the approved Management Plan Best Practices Site Management document.
6. The total occupancy of the establishment shall be 240 people as shown on the approved floor plan.
7. The occupancy of the deck shall not exceed 26 patrons. After 10:00 p.m., the deck shall be monitored and managed by a staff person as described in the Management Plan.
8. The hours of operation shall be from 11:00 a.m. to 1:00 a.m., seven days per week. All patrons shall be off the premises by 1:15 a.m.
9. Smoking on the deck area shall comply with all relevant Board of Health regulations.

**Music**

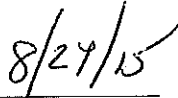
10. On the deck, pre-recorded music may be played from the speakers on the deck.
11. Music played within the establishment or on the deck shall comply with Section 5.0421, such that sound produced by the speakers shall not generally exceed 70 dB (A) as measured at any boundary of the property on which the establishment is located.
12. All doors and windows in the banquet room shall remain closed while music is occurring, except for normal entrances and/or emergencies.

**General**

13. There shall be an approved Management Plan for the use in place at all times. For this owner, the approved Management Plan shall be as approved and amended (for alcohol use on the deck), on May 28, 2015.
14. Noise associated with the use shall not create a nuisance and shall not be detrimental or offensive to the adjoining premises. A violation of the Unlawful Noise section of the Town's General Bylaw may constitute a violation of this condition.
15. Any changes to the operation of the use, Management Plan, floor plan, or exterior changes shall be reviewed by the Board at a public meeting. The purpose of the public meeting shall be to determine whether a change is minor or significant enough to require modification of the permit.

16. Any LED lights facing the building shall be turned off at end of business. No strobe or blinking lights shall be allowed on the exterior of the building.
17. Trash shall be stored in the enclosed structure as described in the Management Plan and the property and immediate vicinity shall be kept free and clear of litter.
18. Any substantial changes to the signs shall be reviewed and approved by the Design Review Board and the Zoning Board of Appeals at a public meeting.

  
\_\_\_\_\_  
Mark Parent, Chair  
Amherst Zoning Board of Appeals

  
\_\_\_\_\_  
DATE

**Town of Amherst**  
**Zoning Board of Appeals - Special Permit**

*DECISION*

**Applicant:** Bistro 63 Monkey Bar, LLC, 63 North Pleasant Street, Amherst, MA 01002  
**Owner:** Galleria Realty Company, LLC, 12 Ladyslipper Ln, Hadley, MA 01035

**Date application filed with the Town Clerk:** May 22, 2015

**Nature of request:** For a Special Permit to operate a Class II Restaurant, with accessory live or pre-recorded music, under Section 3.352.1 and 5.042 of the Zoning Bylaw

**Address:** 63-67 North Pleasant Street (Map 14A, Parcel 322, B-G, DR, MPD Zoning Districts)

**Legal notice:** Published on April 23, 2014 and April 30, 2014 in the Daily Hampshire Gazette and sent to abutters on April 23, 2014

**Board members:** Mark Parent, Tom Ehrgood, Keith Langsdale

**Staff members:** Jeff Bagg, Senior Planner; Rob Morra, Building Commissioner

**Submissions:**

- Application form filed with the Town Clerk on May 22, 2015
- Cover letter from Bacon/Wilson, dated May 4, 2015
- Applicant's Project Summary & proposed changes to the conditions of the 2014 Special Permit.
- Floor Plan, prepared by Kuhn Riddle Architects, dated March 4, 2014
- Management Plan and Best Practices Site Management documents
- Proposed 10.38 findings, submitted by applicant
- Letter from Bacon/Wilson, dated May 4, 2015 with submission waivers
- Building Elevations , prepared by Kuhn Riddle Architects, dated June 19, 2002
- Existing conditions photographs (x 8)
- ZBA FY2003-0001, with approved plans
- Police Chief email, dated May 27, 2015
- Copy of ZBA FY2014-00033 and approved plans
- Photograph of the security camera command center
- Letter from Amherst BID, dated May 28, 2015
- Copy of Building Commissioner memorandum, dated May 20, 2014

**Site Visit: May 26, 2015**

Mark Parent and Keith Langsdale met the applicant, Rasif Rafiq and his attorney Tom Reidy, on-site. The following was observed:

- The interior of the restaurant including the seating area, bar, function room, and rear covered deck. It was noted that some of the tables and chairs closest to the bar are removed during the later evenings when the use changes from dining to a nightclub. The windows and sliding glass door in the function room were observed.
- The covered deck area contained tables and chairs for dining purposes and speakers for music. It was noted that the request includes the service of alcohol on the deck.

**Public Hearing: May 28, 2015**

The applicant, Rasif Rafiq, was accompanied by his attorney, Tom Reidy, of Bacon/Wilson, P.C. Mr. Reidy summarized the application as follows:

- The owners of Bistro 63, LLC, Rasif and Rabib Rafiq were granted a Special Permit, ZBA FY2014-00033, to change ownership and continue operation of a Class II restaurant with live and pre-recorded music.
- The 2014 Special Permit contained numerous conditions, one of which required a review by the Zoning Board of Appeals at a public meeting six months after granting the permit and another condition in which the permit expires in June 1, 2015.
- The owners appeared before the ZBA at a public meeting on March 19, 2015. At that time, the Board (Eric Beal, Carolyn Holstein, and Keith Langsdale) heard from the applicant and some abutters that the use was operating well without complaints.
- This application is to re-apply for a Special Permit to continue the use and to modify some of the conditions established in the 2014 Special Permit, including the following changes:
  - To remove a requirement for the nightclub entrance to be at the rear of the establishment off of Boltwood Walk.
  - To increase the occupancy on the deck during the later hours and to allow alcohol service on the deck.
  - To remove the expiration provision of the permit.
- The other conditions of the 2014 Special Permit related to the Management Plan, use, occupancy, hours of operation, and music are not proposed to change.

The Board discussed the use of the North Pleasant Street and Boltwood Walk entrances. Mr. Reidy stated that during the 2014 process the applicant proposed using the rear entrance on Boltwood Ave almost exclusively for the nightclub use. It was noted that the 2014 decision identified the purpose of the one-year expiration as being to assess the use of the rear entrance and the use of the deck. The Board noted that allowing the use of the rear entrance went against the recommendations of the Police Chief and that the current request proposes to use both the front and rear entrances. Finally, the Board acknowledged the receipt of an informal email from the Police Chief on May 27, 2015 which only identified concerns about the use of the deck. Mr. Rafiq stated that during September, October, and November they used the back deck, but it wasn't busy enough to for a line to form and extend beyond the entrance stairs. The Board determined that the change to allow the use of both entrances was acceptable.

The Board discussed the increase in occupancy on the rear covered deck. Mr. Reidy explained that the 2014 Special Permit was granted to allow a seating capacity of 26 people when used for dining purposes. The covered deck area was then limited to 10 patrons after 10:00 p.m. and was to be monitored by staff. It was noted that the 2014 decision identified that the back covered deck is used for patrons to smoke cigarettes. The Board at that time discussed closing or prohibiting the use of the back deck during late evening hours. After discussion, the Board determined that a limit of 10 patrons was reasonable but found that a six-month review and expiration of the permit would allow the Board to assess whether noise issues persisted and whether a lower occupancy or elimination of the use of the deck was necessary. Mr. Reidy, citing the lack of police calls or noise related issues, proposed to increase the occupancy of the rear deck to 26 patrons during the later evening hours. He explained that the Management Plan maintains provisions for staff to monitor and manage guests to prevent unreasonable noise and noted that based on the size of the deck up to 66 people would technically be allowed but we are only asking for the number allowed when dining is offered.

The Board discussed the addition of alcohol on the rear covered deck:

- Mr. Reidy noted that the 2014 permit allowed the use of the covered deck for 10 patrons after 10:00 p.m. but prohibited patrons from consuming alcohol on the deck. For financial viability and safety issues, the applicant is requesting the ability to both serve alcohol on the deck and/or to allow patrons to consume alcohol on the deck.
- Mr. Reidy described the security measures taken later at night when the nightclub is functioning, noting that there are 7-8 security persons on hand and approximately 16 security camera's monitored from a "command center." Mr. Ehrgood asked what security personnel can do to minimize nuisance noise created by patrons drinking on the back deck? Mr. Rafiq stated that he trains his staff to stop letting people out on the deck if conditions get too loud. He explained that increasing occupancy and allowing alcohol will have little effect on noise or behavior in the area, because there are other similar establishments nearby, such as the patios at Stackers and Lit nightclubs. He explained that there are sometimes 230 people in the club and there is a high demand for patrons to go onto the back deck. To restrict the number to 10 creates a hazard in the hallway, and guests are often concerned with leaving drinks unattended inside the club while they are outside.
- Mr. Parent and Mr. Langsdale asked whether alcohol would be served on the back deck. Mr. Rafiq explained that they would like to be able to serve alcohol when the back deck is being used for a private function but not for club nights. The Board determined that no alcohol is to be served on the back deck during club nights, indicating that patrons would be permitted to bring their beverage from inside out to the deck and consume the alcohol but that no employee may serve, take drink orders, or bring beverages to patrons outside, nor may there be a bar area set up on the deck during club nights. For scheduled private events other than club nights, alcohol service may be served.

The Board discussed music on the back deck.

- Mr. Reidy stated that the 2014 Special Permit included condition # 10, which allows music to be played from the speakers on the back deck while dining is available but prohibits music after 10:00 p.m. He testified that the owners would like the ability to play low level music to set the tone on the deck and that the decibel levels would be the same as when the deck is used for dining. Mr. Rafiq noted the importance of them establishing the tone of the music on the deck as a way to help regulate patron noise and behavior.

- The Board asked about what type of music would be played on the speakers after 10:00 p.m. Mr. Rafiq stated that on club nights it would be same music as inside. The Board observed that the music emanating from the speakers on the deck after 10:00 p.m. may be very different from the low ambient music played during dining and that the music played on the deck might lead to it becoming an extension of the dance party inside.

The Board discussed a review period for the use of the rear covered deck.

- Mr. Reidy and Mr. Rafiq requested that the Board not require a review period, because the changes are not significant, the management of the use combined with the conditions is a safeguard, and in consideration of the expense of having to re-appear before the Board. Mr. Parent stated that increased occupancy, the ability for patrons to consume alcohol, and music may have significant impacts that need to be assessed. He explained that the condition would be limited to review of the use of the deck and would not address the other aspects of the Class II restaurant use and the use of the inside as a nightclub.
- Mr. Bagg recommended that the condition be crafted to allow the Board to establish future reviews if it deems necessary, and/or to restrict or reduce the use of the deck if significant issues are found. Mr. Reidy stated that such a review was unnecessary citing that the Town has a decibel limit, nuisance bylaw, and the Police and Fire Departments can review the use with the owner. Mr. Parent stated that while he does not anticipate a problem, the ZBA is the permitting board with authority over how the deck may be used and that the increased occupancy combined with alcohol service and music creates unknowns that should be reviewed. If there are issues, he explained, the Board will be able to reduce or change the approved use of the rear deck. He also noted that this review is important if the overall Special Permit is granted to allow a change in ownership in the future. Mr. Ehrgood expressed concern about the effectiveness of the public meeting and what type of information the Board will receive. Mr. Bagg noted that they Board could review filed complaints from abutters and also hear from other Town officials, such as the Police and Fire Departments.
- The Board discussed the timeline for a review. Mr. Parent stated that the review should allow for the use to occur over two cycles of the school semester. Mr. Bagg noted that some of the timing may depend on when the permit is filed with the Town Clerk. Mr. Parent suggested sometime after next spring, such as June or July 2016.

The following members of the public spoke regarding the application:

- Mauro Anello, Amherst, stated that as the former owner of the Monkey Bar, Rasif and Rabib have demonstrated a sense of integrity and responsibility for the business and goals of being respectful to the community as a whole.
- David Williams, Shays Street, stated that he is a part owner of Boltwood Place and Judies Restaurant. He stated that the owners have done a great job managing the nightclub since the 2014 permit was granted. He stated that he has lost a residential tenant in Boltwood Place because of the noise and has fielded complaints from other tenants. He stated that moving the entrance line to North Pleasant Street has been an improvement. He expressed support for the business owners but expressed concern about the added noise that may be generated by increasing the number of people on the deck and combining that increase with alcohol and music. He said he doesn't know that the right number of people that should be allowed on the deck but that 26 is more than 10 and that would likely increase the amount of noise from patrons talking, shouting, and drinking on the deck.

- Betsy McGinnis, 76 Lincoln Avenue, stated that the owners have been very supportive of her operation, the Amherst Family Outreach, by offering the space for special events and making donations.
- Keith Topling, Belchertown, stated that he has known Rasif and Rabib since 2008 and that they are doing a great job enhancing the business and that they should have the additional flexibility for the use of the back deck area.
- Greg Stutsman, stated that he is a member of the Planning Board but his comments are as a business owner and resident in Amherst. He stated that he has watched the evolution of the business and believes that it is important for the downtown area as it provides a diversity of activity for patrons. He stated that he owns a business which holds a state liquor license and that those standards are rigorous and noted the importance of operating a business that does not create a nuisance to abutters.

The Board reviewed the conditions of the 2014 and incorporated those that related to the use of the interior, occupancy numbers, and use as the Class II restaurant, pre-recorded music, and outdoor dining.

#### **Specific Findings:**

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 - *The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.* The proposal continues the use as a Class II restaurant with accessory music where similar uses exist in the vicinity, including establishments whose sole access is from Boltwood Walk, such as Lit and White Hut. The Management Plan provides for adequate procedures for organizing patrons waiting to enter, monitoring patrons using the deck, controlling the volume of music, and monitoring occupancy.

10.382, 10.383 & 10.385 - *The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features.* The Management Plan and conditions are intended to eliminate nuisances or offensive impacts of the use, including a condition to keep windows and doors closed during nightclub operations. The extension of the use of the rear deck to include increased occupancy, alcohol consumption (and service during private events), and recorded music is an extension of the use. A condition of the permit requires review of this aspect of the use in July of 2016. The condition is intended to allow the Board the authority to reduce the extent of the use of the deck, if necessary, and/or establish additional review periods, if applicable. The permit allows additional flexibility for use of either the North Pleasant Street or Boltwood Walk entrance as a means to reduce potential noise from patrons waiting to enter or exiting the establishment.

10.384 *Adequate and appropriate facilities would be provided for the proper operation.* The proposal includes all requisite facilities to allow the use as a Class II restaurant with accessory music, including but not limited to a kitchen, restrooms, dining facilities and emergency/handicapped accessible entrances, and appropriate numbers of staff.



10.386 *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw. The property is located within the Municipal Parking District, as such; no additional parking for the use is required on-site. The property and use are situated within the Municipal Parking District where no parking is required on-site. The signs for the establishment were previously permitted and no changes are proposed.*

10.387 - *The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. With respect to pedestrian movement, a condition of the permit requires that if the Boltwood Walk entrance is used, that patrons waiting for entry line up to the north in order to reduce the potential noise impact to the residential uses in Boltwood Place and to arrange patrons in front of commercial establishments which are closed during the later hours.*

10.388 - *The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use. The proposal maintains the operation of a Class II restaurant where the loading and unloading of vehicles is common and the general operation will continue as it has since 2003.*

10.389 & 10.396 - *The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water; The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features. The proposal provides for an area for trash storage that is enclosed and screened from view.*

10.393 - *The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through the use of cut-off luminaries, light shields, lowered height of light poles, screening, or similar solutions. A condition of the permit requires that an existing strobe light mounted at the back of the building during later hours be removed. Additionally, any LED color lighting facing the building, and other lights associated with the use, will be extinguished at the end of each business day.*

10.398 - *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The permit is conditioned to require a review after six months and expiration in 12 months will allow the Town to ensure that the use operates in accordance with the conditions and to evaluate the effectiveness of the strategies and conditions related to noise and crowd management. Otherwise, the Board finds that the use is compatible in the B-G Zoning District, the purpose of which is to "to provide for a mixed use area, of high density, containing a wide variety of commercial, office, residential, institutional, civic, and cultural uses. To this end, it is intended that this district be applied within the Town Center of Amherst". The proposal meets several goals of the Master Plan including supporting "sustainable growth of existing businesses and attract new ones while protecting environmental values", "relocalization of the Amherst economy", and promoting "downtown as a key cultural, commercial and entertainment center of Amherst".*

**Zoning Board Decision**

Mr. Parent MOVED to approve the application with conditions. Mr. Ehrgood seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2015-00038, to operate a Class II restaurant with accessory live and prerecorded music, under Section 3.352.1 and 5.042 of the Zoning Bylaw, pursuant to the expiration of ZBA FY2014-00033, at 63-67 North Pleasant Street (Map 14A, Parcel 322, B-G Zoning District), subject to conditions.

  
MARK PARENT  
TOM EHrgood  
KEITH LANGSDALE

FILED THIS 26th day of August, 2015 at 1:07 pm,  
in the office of the Amherst Town Clerk Candace G. Burger.  
TWENTY-DAY APPEAL period expires, September 15 2015.  
NOTICE OF DECISION mailed this 26th day of August, 2015  
to the attached list of addresses by Jeffrey R. Bass, for the Board.  
COPY OF NO APPEAL issued this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2015,  
in the Hampshire County Registry of Deeds.

THE COMMONWEALTH OF MASSACHUSETTS  
AMHERST

City or Town  
**NOTICE OF SPECIAL PERMIT**  
Special Permit  
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Bistro 63 Monkey Bar, LLC

Address 63 North Pleasant Street

City or Town Amherst, MA 01002

Identify Land Affected: 63-67 North Pleasant St.  
(Map 14A, Parcel 322, B-G, DR, MPD Zoning District)

By the Town of Amherst Zoning Board of Appeals affecting the rights of the owner  
with respect to the use of the premises on

63-67 North Pleasant St. Amherst

Street

City or Town

The record of title standing in the name of

Galleria Realty Company C/O Aniello, Mauro & Claire

Name of Owner

Whose address is 12 Ladyslipper Lane Hadley MA 01002

Street

City or Town

State

Zip Code

By a deed duly recorded in the

Hampshire County Registry of Deeds: Book 6097 Page 099

or


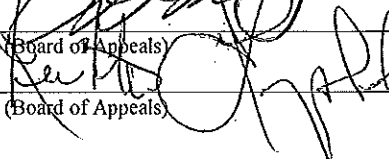
Hampshire Registry District of the Land Court, Certificate No. \_\_\_\_\_,

Book \_\_\_\_\_, Page \_\_\_\_\_

The decision of said Board is on file, with the papers, in ZBA FY2015-00038 In the  
office of the Town Clerk Sandra J. Burgess

Certified this \_\_\_\_\_ day of \_\_\_\_\_

Board of Appeals:

Chairman

Clerk

at \_\_\_\_\_ o'clock and \_\_\_\_\_ minutes \_\_\_\_\_ m.

Received and entered with the Register of Deeds in the County of Hampshire

Book \_\_\_\_\_ Page \_\_\_\_\_

ATTEST \_\_\_\_\_

Register of Deeds

Notice to be recorded by Land Owner

**BOARD OF APPEALS**  
**AMHERST, MASSACHUSETTS**  
**RECORD OF APPEALS AND DECISION RENDERED**

Petition of Bistro 63 Monkey Bar, LLC

For a Special Permit to operate a Class II Restaurant, with accessory live or pre-recorded music, under Section 3.352.1 and 5.042 of the Zoning Bylaw

On the premises of 63-67 North Pleasant Street

At or on Map 14A, Parcel 322, B-G, DR, MPD Zoning District

NOTICE of hearing as follows mailed (date) April 23, 2014

to attached list of addresses and published in the Daily Hampshire Gazette  
dated April 23, 2014 and April 30, 2014

Hearing date and place May 28, 2015 (Town Hall)

**LEGAL NOTICE**  
The Amherst Zoning Board of Appeals will meet on Thursday, May 8, 2014, at 6:30 P.M. in the Town Room, Town Hall, to conduct the following business:  
**PUBLIC HEARINGS:**  
ZBA FY2014-00034 - Inge Ackermann - For a Special Permit to structurally alter and expand a pre-existing non-conforming single family dwelling, under Section 9.22 of the Zoning Bylaw, at 58 Sunset (Map 11C, Parcel 26, R-G Zoning District).  
ZBA FY2014-00035 - Bistro 63 Monkey Bar, LLC - For a Special Permit to operate a Class II Restaurant, with accessory live or pre-recorded music, under Section 3.352.1 and 5.042 of the Zoning Bylaw, at 63-67 North Pleasant Street (Map 14A, Parcel 322, B-G, DR, MPD Zoning District).  
Eric Beal, Chair  
Amherst Zoning Board  
Of Appeals  
April 23, 2014

**SITTING BOARD and VOTE TAKEN:**

To grant a Special Permit, ZBA FY2015-00038, to operate a Class II restaurant with accessory live and prerecorded music, under Section 3.352.1 and 5.042 of the Zoning Bylaw, pursuant to the expiration of ZBA FY2014-00033, at 63-67 North Pleasant Street (Map 14A, Parcel 322, B-G Zoning District), subject to conditions.

Mark Parent - Yes                      Keith Langsdale - Yes                      Tom Ehrgood - Yes

**DECISION: APPROVED with conditions**

# Town of Amherst Abutter List

Parcel ID	Parcel Address	Owner1	Owner2	Address	City/Zip
14A-337	11 AMITY ST	EV REALTY TRUST	ROBERTS, EVERETT TRUSTEE	P.O. BOX 678	AMHERST, MA 01004-0678
14A-36	43 AMITY ST	JONES LIBRARY INC	ATTN: TREASURER	43 AMITY ST	AMHERST, MA 01002
14A-4-61	30 BOLTWOOD WALK	CARSP REALTY INC		30 BOLTWOOD WALK	AMHERST, MA 01002
14A-2-61	30 BOLTWOOD WALK	FARBER, BODZIN LLC		30 BOLTWOOD WALK #2	AMHERST, MA 01002
14A-1-61	30 BOLTWOOD WALK	PVP HOLDINGS LLC		20 BELCHERTOWN RD	AMHERST, MA 01002
14A-5-61	30 BOLTWOOD WALK	SLATER, JONATHAN & OLGA		112 LONGVIEW DR	LONGMEADOW, MA 01106
14A-3-61	30 BOLTWOOD WALK	THE BOLTWOOD GROUP LLC		705 MEMORIAL DR	CHICOPEE, MA 01020
14A-54	31 BOLTWOOD WALK	31 BOLTWOOD LLC		25 NO PLEASANT ST 2ND FLOOR	Amherst, MA 01002
14A-E-49	45 BOLTWOOD WALK	AMHERST KNIGHTS OF COLUMBUS	C/O MICHAEL FELD	P.O. BOX 2720	AMHERST, MA 01004-2720
14A-343	51 BOLTWOOD WALK	TOWN OF AMHERST (INHABITANTS)		4 BOLTWOOD AVE	AMHERST, MA 01002
14A-305	70 BOLTWOOD WALK	TOWN OF AMHERST (INHABITANTS)		TOWN HALL	AMHERST, MA 01002
14A-64	17 KELLOGG AVE	17 KELLOGG AVE LLC		25 NORTH PLEASANT ST 2ND FLOOR	AMHERST, MA 01002
14A-65	33 KELLOGG AVE	AMHERST HOUSING AUTHORITY		33 KELLOGG AVE	AMHERST, MA 01002
14A-G2-53	4 MAIN ST	COOK BLOCK ASSOCIATES		PO BOX 678	AMHERST, MA 01004-0678

<u>Parcel_ID</u>	<u>Parcel_Address</u>	<u>Owner1</u>	<u>Owner2</u>	<u>Address</u>	<u>City/Zip</u>
14A-1A-53	4 MAIN ST	COOK BLOCK ASSOCIATES		PO BOX 678	AMHERST, MA 01004-0678
14A-G1-53	8-12 MAIN ST	COOK BLOCK ASSOCIATES		PO BOX 678	AMHERST, MA 01004-0678
14A-1B-53	8 MAIN ST	COOK BLOCK ASSOCIATES		PO BOX 678	AMHERST, MA 01004-0678
14A-1C-53	8 MAIN ST	COOK BLOCK ASSOCIATES		PO BOX 678	AMHERST, MA 01004-0678
14A-55	16-18 MAIN ST	RUSSELL, WILLIAM F JR	LLJM LLC	90 NORTH VALLEY RD	PELHAM, MA 01002
14A-56	24-26 MAIN ST	SISU REALTY CO LLC		90 NORTH VALLEY RD	PELHAM, MA 01002
14A-57	30-36 MAIN ST	AMHERST BUILDING LLC		200 BAY RD	Amherst, MA 01002
14A-58	40-50 MAIN ST	40-50 MAIN ST LLC		25 NO PLEASANT ST 2ND FLOOR	Amherst, MA 01002
14A-59	60-62 MAIN ST	CHANG, TSO-CHEN & ROSE CO-TRUSTEES		60 MAIN ST	AMHERST, MA 01002
14A-94	NORTH PLEASANT ST	TOWN OF AMHERST		4 BOLTWOOD AVE	AMHERST, MA 01002
14A-3A-53	7 NORTH PLEASANT ST	COOK BLOCK ASSOCIATES		PO BOX 678	AMHERST, MA 01004-0678
14A-2A-53	7 NORTH PLEASANT ST	SOUTHWICK, SANDRA M		29 LAUREL HILL DR	LEVERETT, MA 01054
14A-51	11-19 NORTH PLEASANT ST	MGM BUILDING LLC		25 NO PLEASANT ST 2ND FLOOR	Amherst, MA 01002
14A-50	23-25 NORTH PLEASANT ST	GRANDONICO PROPERTIES LLC		25 NORTH PLEASANT ST 2ND FLOOR	AMHERST, MA 01002
14A-52	31 NORTH PLEASANT ST	REVES AMHERST PIZZA PROPERTY, LLC		31 NORTH PLEASANT ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/State/Zip</i>
14A-49	37 NORTH PLEASANT ST	AMHERST KNIGHTS OF COLUMBUS	C/O WILLIAM A HUTCHINSON	52 JEFFREY LN	AMHERST, MA 01002
14A-48	43-51 NORTH PLEASANT ST	IAT PARTNERSHIP, LLP		43-51 NORTH PLEASANT ST	AMHERST, MA 01002
14A-40	48 NORTH PLEASANT ST	D'ANGELO INC	ATTN: PROPERTY TAX DEPT #821	P.O. BOX 519	WEST BRIDGEWATER, MA 02379-0519
14A-47	55 NORTH PLEASANT ST	RAILROAD STREET PARTNERS LLC	C/O EAGLE CREST PROPERTY MNGMT	55 NORTH PLEASANT ST	AMHERST, MA 01002
14A-322	63-69 NORTH PLEASANT ST	GALLERIA REALTY COMPANY	C/O ANIELLO, MAURO & CLAIRE	12 LADYSLIPPER LN	HADLEY, MA 01035
14A-41	68 NORTH PLEASANT ST	TOWN OF AMHERST (INHABITANTS)		TOWN HALL	AMHERST, MA 01002
14A-344	71 NORTH PLEASANT ST	GALLERIA REALTY COMPANY LLC	C/O ANIELLO, MAURO & CLAIRE	12 LADYSLIPPER LN	HADLEY, MA 01035
14A-42	76 NORTH PLEASANT ST	BARDEN, MARY ELLEN PAPPAS TRUSTEE		1639 N E 26 STREET APT 217	WILTON MANORS, FL 33305
14A-45	87 NORTH PLEASANT ST	87 NORTH PLEASANT ST FAMILY PA	C/O BARRY ROBERTS	P.O. BOX 678	AMHERST, MA 01004-0678
14A-43	96-110 NORTH PLEASANT ST	ROBERTS, EVERETT L TRUSTEE	EV REALTY TRUST	P.O. BOX 678	AMHERST, MA 01004-0678
14A-44	103 NORTH PLEASANT ST	ROBERTS, BARRY L		P.O. BOX 678	AMHERST, MA 01004-0678
11C-288	121 NORTH PLEASANT ST	UNITY CHURCH	UNITARIAN UNIVERSALIST SOC OF AMHERST	PO BOX 502	AMHERST, MA 01002
11C-234	122 NORTH PLEASANT ST	ROMAN CATHOLIC BISHOP OF SPFLD		P.O. BOX 1730	SPRINGFIELD, MA 01101-1730
11C-287	141 NORTH PLEASANT ST	UNITED STATES POST OFFICE	ATTN: REAL ESTATE DIVISION	6 GRIFFIN RD NO	WINDSOR, CT 06095
14A-327	NORTH PROSPECT ST	BARDEN, MARY ELLEN PAPPAS TRUSTEE		1639 N E 26 STREET, APT 217	WILTON MANORS, FL 33305